

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated July 22, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1 and 7-17 are pending in the Application.

In the Office Action, claims 1, 7, 13 and 17 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,442,604 to Osada ("Osada") in view of U.S. Patent No. 5,157,642 to Tsukamura ("Tsukamura"). Claims 8-10 and 12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Osada in view of Tsukamura in further view of European Patent Application No. 0862169 to Tomonori ("Tomonori"). Claim 11 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Osada in view of Tsukamura in further view of Tomonori and U.S. Patent No. 5,539,710 to Tokushuki ("Tokushuki"). Claims 14-16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Osada in view of Tsukamura in further view of European Patent Application No. 0938038 to Fukue ("Fukue") and Tomonori. These rejections of claims 1 and 7-17 are respectfully traversed. It is respectfully submitted that claims 1 and 7-17 are allowable over

Osada in view of Tsukamura alone and in view of any combination of Tomonori, Tokushuki and Fukue for at least the following reasons.

It is undisputed that Osada does not disclose or suggest a control unit for an optical disk drive wherein the control unit is designed, during a jump operation, to generate said control signal for the lens actuator "at least partly on the basis of an actuator deviation signal representing a difference between actuator position and sledge position irrespective of a position of the lens actuator with respect to an optical disk." (See, Final Office Action, starting at the bottom of page 2, and continuing onto the top of page 3.)

Tsukamura is introduced to supply that which is missing from Osada, however, it is respectfully submitted that reliance on Tsukamura is misplaced. While Tsukamura does discuss a relative difference between "the positions of the fine actuator 11 and coarse actuator 10" in Col 4, lines 44-45 as cited in the Office Action, Tsukamura makes clear that "[w]hen the movement velocity of the optical head is fast [during a jump], the address area or servo area cannot be accurately detected and the mirror area cannot be detected. In this case, the terminal c of the switch SW₁ is selected by a control signal S₂ which is output from the data

processing block 13 and the drive signal of the objective lens 11A supplied to the drive amplifier 19A is set to zero." (See, Tsukamura, FIG. 4, and accompanying description contained in Col. 5, lines 40-47.) In other words, during a jump operation, the control signal for the lens actuator is held to zero and is not based on an actuator deviation signal representing a difference between the actuator position and the sledge position as alleged in the Final Office Action.

Accordingly, it is respectfully submitted that the apparatus of claim 1 is not anticipated or made obvious by the teachings of Osada in view of Tsukamura. For example, Osada in view of Tsukamura does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein the control unit is designed, during a jump operation, to generate said control signal (SCL) for the lens actuator at least partly on the basis of an actuator deviation signal (SAS) representing a difference between actuator position (XA) and sledge position (XS) irrespective of a position of the lens actuator with respect to an optical disk" as recited in claim 1, and as similarly recited in claim 17. Tomonori, Tokushuki and Fukue are cited for allegedly showing elements of dependent claims

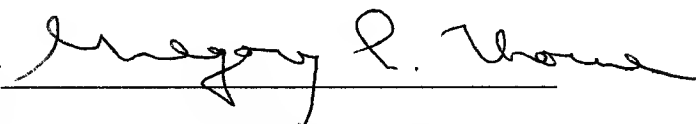
and as such, do nothing to cure the deficiencies in Osada in view of Tsukamura.

Based on the foregoing, the Applicant respectfully submits that independent claims 1 and 17 are patentable over Osada in view of Tsukamura and notice to this effect is earnestly solicited. Claims 7-16 depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101